Remarks/Arguments

Claims 1-5 and 7-21 remain pending in the instant application. Applicants appreciate the examiner's allowance of claims 1-10, 17-18 and 20-21. Only claims 11-16 and 19 stand rejected. To better point out and claim their invention, applicants have amended claims 11 and 19. Ample antecedent basis for such amendments exists at page 12, lines 8-32 and page 13, lines 1-20 of applicants' specification so applicants have added no new mater. Applicants request reconsideration of the rejection in view of the amendments to the claims.

Rejection of Claims 11-16 and 19 under 35 U.S.C. §103

Claims 11-16 and 19 stand rejected under 35 U.S.C. §103(a) as unpatentable over U.S. Patent 6,667,954 to Boduch et al. (hereinafter referenced as "Boduch et al.") in view of U.S. Patent 6,246,681 to Humphrey et al. (hereinafter referenced as "Humphrey et al.") further in view of U.S. Patent 6,320,860 to Hurlocker (hereinafter referenced as "Hurlocker"). Applicants respectfully traverse this rejection in view of the amendments to claims 11 and 19.

In rejecting applicants' claims 11 and 19, the examiner contends that Boduch et al. teaches a technique for selecting the better of two copies of a cell in an Asynchronous Transfer Mode (ATM) switching system. In particular, the examiner maintains that Boduch et al. teaches applicants' first and second router matrix cards, each providing at its output M digital audio signals. Further, the examiner states that Boduch et al. teaches applicants steps of: (a) propagating a first set of M streams through at least one component of the first matrix card, (b) adding at least one bit of information to the first stream set; (c) propagating a second set of M streams through at least one component of the second matrix card, (d) adding at least one bit of information to the second stream set; and (e) selecting one of the first and second sets of M digital streams based on the comparison of the one added bit in the first stream to the one added bit in the second stream.

The examiner acknowledges that Boduch et al. does not disclose multiple integer M/N input/output streams. To provide this missing feature in Boduch et al, the examiner relies on the Humphrey et al. patent which allegedly discloses multiple M/N streams. Further, the examiner acknowledges that while Boduch et al. teaches the desirability of providing error counts for each

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of the stream, the patent does not add the error counts to the streams. To provide this missing teaching in Boduch et al., the examiner relies on the Hurlocker patent which allegedly teaches the desirability of adding error counts to a ring segment cell for the purpose of identifying a lowest error-producing cell for selection.

Applicants have now amended claims 11 and 19 to delete the recitation of adding at least one bit of information to the first and second set of M digital audio data streams. Instead, each of claims 11 and 19 now recites the feature of modifying at least one bit of information in the first set and second M digital audio data streams propagating through at least one component in the first and second router matrix cards, respectively, assigned to the one information bit upon the component detecting the presence of one of an error or fault condition. As amended, claims 11 and 19 patentably distinguish over the art of record.

Applicants submit that the Boduch et al. patent relied upon by the examiner teaches the desirability of having a cell overhead extractor/monitor (201) provide an error count for each stream. (See Col. 5, lines 1-4 of the Boduch et al. patent.) However, applicants' take issue with the examiner's conclusion that the error count provided by Boduch et al. must be based on bits being added to the first set of data streams. In an ATM system, typical cells (packets) have a fixed number of bytes, with each byte comprised of a fixed number of bits. While Boduch et al. does not provide any detail regarding the process of generating error counts, the patent refers to sequence errors and cell errors, thus suggesting that an error occurs either when a cell becomes out of sequence, or otherwise gets corrupted. In this regard, Boduch et al. contains no specific disclosure that an error count results from the addition of a bit to the bit stream. Indeed, the fact that ATM cells contain a fixed number of bits as discussed above would belie that contention.

Moreover, whether or not the error count of Boduch et al. results from the addition of bits to the bit stream has no patentable impact on claims 11 and 19 which now recite modifying a bit in the bit stream assigned to a component when the component detects an error or fault condition. Nowhere does the Boduch et al. patent disclose or suggest assigning a bit in the bit stream to a component, let alone modifying that assigned bit based on that component detecting an error or fault condition as now recited in claims 11 and 19, and the claims that depend therefrom.

The Hurlocker patent cited by the examiner discloses a technique for switching packets in an ATM network. To select the best path, Hurlocker computes a running average of a sum path bit-interleaved parity (BIP) count for each segment and then selects the ring segment having the

lowest BIP value. An operation and maintenance cell (OAM) inserted in the ring segment holds the BIP value to enable monitoring of errors for ring selection.

Applicants submit that the Hurlocker patent teaches the addition of a information bit to the stream for path selection. However, like the Boduch et al. patent, the Hurlocker patent fails to disclose or suggest assigning a bit in the bit stream to a component, let alone modifying that assigned bit based on that component detecting an error or fault condition as now recited in claims 11 and 19, and the claims that depend therefrom.

The Humphrey et al. patent describes a switching technique for selecting between one or more parallel planes of data based on datagrams associated with the first and second planes, respectively. A CRC redundancy code monitor 202 calculates a parity code for each data packet which can be compared to a reference CRC code to select data packets. Like both the Boduch et al. and Hurlocker patents, the Humphrey et al. patent fails to disclose or suggest assigning a bit in the bit stream to a component, let alone modifying that assigned bit based on that component detecting an error or fault condition as now recited in claims 11 and 19, and the claims that depend therefrom.

In absence of any disclosure in any of the cited references of applicants' feature of assigning a bit in the bit stream to a component, let alone modifying that assigned bit based on that component detecting an error or fault condition, applicants claims 11 and 19, and the claims that depend therefrom, patentably distinguish over the art of record. Withdrawal of the 35 U.S.C. 103(a) rejection of these claims is requested.

Conclusion

In view of the foregoing, applicants solicit entry of this amendment and allowance of the rejected claims. If the Examiner cannot take such action, the Examiner should contact the applicant's attorney at (609) 734-6820 to arrange a mutually convenient date and time for a telephonic interview.
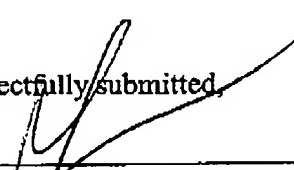
Ser. No.: 10/518,670
Amendment dated May 29, 2009
Reply to Office Action of April 1, 2009

PATENT
PU020289
CUSTOMER NO.: 24498

No fees are believed due with regard to this Amendment. Please charge and fee or credit any overpayment to Deposit Account No. **07-0832.**

Respectfully submitted,

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